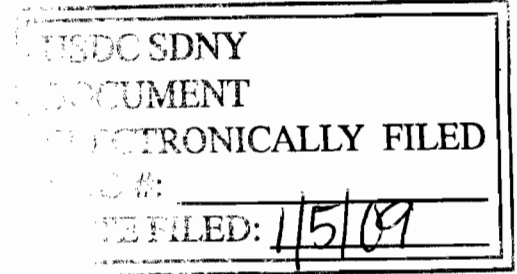


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
LESLIE DICK WORLDWIDE, LTD., ET AL.,

Plaintiff,

v.

GEORGE SOROS, ET AL.,

Defendant.
-----X

08 Cv. 7900 (BSJ) (THK)

Order

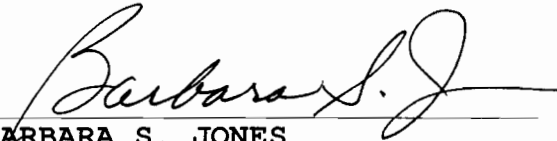
BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

On November 6, 2008, and November 21, 2008, plaintiffs moved for an entry of default judgment against defendants Donald J. Trump ("Trump"), 767 Manager, LLC ("767"), and FIG, LLC ("FIG"), in the amount of \$1,400,000,000.00, plus interest and costs. On December 5, 2008, counsel for Trump and 767 filed a notice of appearance. On December 12, 2008, Magistrate Judge Katz stayed Trump's and 767's motion to dismiss the complaint, pending resolution of plaintiffs' motion for disqualification. On December 22, 2008, FIG submitted a motion to dismiss the complaint.

The Court denies plaintiffs' requests for an entry of default judgment. Since plaintiff moved for default judgment, the aforementioned defendants have actively litigated this case. In light of that activity, as well as the substantial damages sought, the disputed merits of plaintiffs' claims, the lack of

prejudice to plaintiffs, and the strong policy favoring decisions on the merits, the Court finds that default judgment is inappropriate. See, e.g., Pinaud v. County of Suffolk, 52 F.3d 1139, 1152 (2d Cir. 1995) (default judgment properly denied in light of large sum at stake, disputable merits of claim, and lack of prejudice from failure to answer); Kingsley v. New York City Police Dep't, No. 07 Civ. 7629 (NRB), 2008 U.S. Dist. LEXIS 101536, at *3 (S.D.N.Y. Dec. 8, 2008) ("Plaintiff has not been prejudiced by the delay, and given the substantial damages sought and the nature of the allegations, we find that a default judgment against Rubin is not appropriate under these circumstances.").

SO ORDERED:


BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

Dated: New York, New York
December 30, 2008